

COMPLETED

MAR 22 1994

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|---|--|---|--|-------------------------|--|--|
| 1. CASE NO. 940202CCC1233 | | 2. INVESTIGATOR'S ID 8 5 1 6 | | 3. OFFICE CODE 8 1 3 | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 4. DATE OF ACCIDENT YR MO DAY 9 3 1 1 2 6 | | 5. DATE INVESTIGATION INITIATED YR MO DAY 9 4 0 2 2 2 | | | | |

6. SYNOPSIS OF ACCIDENT OR COMPLAINT There were no injuries or property damage involved in this accident, other than the product involved. While in use, toasting ~~English~~ muffins, flames erupted from the area of the toast lever. The consumer immediately saw the fire and unplugged the toaster oven; this caused the flames to self-extinguish. This accident took place in the kitchen of their single family home.

| | | |
|--|-------------------------|----------------------|
| 7. LOCATION (Home, school, etc.) Home | 8. CITY Camp Springs | 9. STATE Maryland |
|--|-------------------------|----------------------|

| | |
|------------------------------------|--|
| 10A. FIRST PRODUCT Toaster Oven | 11A. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS Black & Decker 6 Armstrong Rd. Shelton, Connecticut 06484 |
|------------------------------------|--|

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|---|---|
| 10B. SECOND PRODUCT SMOKE ALARM English muffins | 11B. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS Unk. |
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| | | | |
|----------------------------|---|------------------------------|-----------------------------------|
| 12. AGE OF VICTIM 9 9 9 | 13. SEX (Use numerical code) MALE -1 FEMALE -2 UNKNOWN -3 9 | 14. DISPOSITION No injury | 15. INJURY DIAGNOSIS No Injury |
|----------------------------|---|------------------------------|-----------------------------------|

| | | | |
|----------------------------|---|--|-------------------------|
| 16. BODY PART No Injury | 17. RESPONDENT(S) (Mother, Friend) Complainant | 18. TYPE INVESTIGATION ON SITE 1 TELEPHONE 2 OTHER 3 1 | 19. TIME SPENT 1 4 0 |
|----------------------------|---|--|-------------------------|

| | | | |
|--------------------------|-----------------------------|-------------------------|--------------------------|
| 20. ATTACHMENTS Multi | 21. CASE SOURCE Consumer | 22. REVIEWED BY 8969 | YR MO DAY 9 4 0 3 1 4 |
|--------------------------|-----------------------------|-------------------------|--------------------------|

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|--|---------------------------|-------------------------------|
| 23. PERMISSION TO DISCLOSE NAMES (NON-NEISS CASES ONLY) | CPSC MAY DISCLOSE MY NAME | CPSC MAY NOT DISCLOSE MY NAME |
|--|---------------------------|-------------------------------|

| | |
|--|---|
| 24. NARRATIVE (See Instructions on Other Side) PRE-ACCIDENT | 25. REGIONAL OFFICE DIRECTOR REVIEW DATE |
|--|---|

Note: This toaster oven had been returned to the retail service center; the service center manager had this returned toaster oven. This toaster oven was purchased new, in 1992 and was used for about eleven months before the accident. The unit was on the kitchen counter and plugged into an outlet that was about 4" away from it. Usage of the unit began immediately after it was purchased. Three members of the family used the toaster oven; the wife of the household was the primary user of the toaster oven. It was used about three days per week and about once per day. On an average, each time of usage was for about two minutes. Primarily, English muffins and toast were used in this toaster oven. The wife of the family said that she had read and understood the instructions for the unit. Prior to this incident, there was never any evidence of a hazard with the unit. There were never any sparks or flames from the toaster oven. There was never any smoke or sounds from it. There were never any shocks from it, nor over-heating on its surface. It never tripped the circuit breaker, nor the ground fault circuit interrupter that was a part of the outlet it was connected to. The respondent said that the ground fault circuit interrupter was installed in their kitchen about two to three years ago.

PRE-ACCIDENT (continued)

There has never been any problem with this kitchen outlet, before or after the ground fault circuit interrupter was installed. The consumer said that this house is 15 years old and has aluminum wiring for the stove and dryer but has copper wiring for this particular outlet.

The respondent said that no oversized food was ever placed in the toaster oven. Before the incident, the toaster oven was never damaged, modified or repaired. She said that there was no confusion as to how to work the toaster oven. She said that she had no problems adjusting it so that the food cooked properly. It cooked food well. The respondent said that the power cord for the unit was always kept plugged in, except when cleaned. She cleaned the unit about once per week by pulling down the crumb tray and shaking it out and also using a damp cloth. The unit was never immersed in water.

No extension cord was used with this unit. The power cord for the unit was not kept bundled or bunched; it hung straight from the kitchen counter outlet. At the time of this accident, an electric can opener was connected to the same duplex outlet that the toaster oven was connected to.

The consumer said that she never noticed that the power cord or plug felt hot.

The incident happened in the morning. The consumer thinks that the toaster oven was last used earlier that morning. She had seven people in the house, that morning, because people were staying over at her house for the Thanksgiving weekend. Consequently, she thinks the toaster oven received extra use, that day. She thinks that the toaster oven was used about five times that morning. She said that morning, mainly English muffins were being used in the oven. Up until the incident, the oven was working correctly.

ACCIDENT

On the morning of the incident, the consumer placed two English muffins in the toaster oven and pushed down the toast lever. The kitchen counter was dry. The toaster oven had three controls. At the time of the accident, the position of the controls were as follows: The "Up-Down" toast lever was in the "Down" position; the "Dark-Light" dial (for toasting) was in the medium position and the dial for the Oven/Broiler was in the "Off" position.

At the time of the accident, the consumer was in the kitchen. After the muffins had been in the toaster oven for about three minutes a fire erupted from the area around the toast lever. She said that the flames were coming from the right side of the front of the toaster oven, not from inside the oven.

ACCIDENT (continued)

The respondent said that flames were coming from an area of about five percent of the toaster oven and were about 1-1/2" high. She said that the smoke detector sounded; it was about 15 feet away, in the kitchen hallway. Her husband unplugged the toaster oven and took it out to the outside driveway. This process took about thirty seconds, during which time the flames extinguished themselves. The respondent said the toast lever was still down, at the time of the fire.

POST ACCIDENT

The consumer said that the muffins did not burn, during the fire. She said that there was a burned area, about 5"x5" on the right side of the front of the toaster oven, near the toast control lever. There were no injuries, nor any property damage, other than the toaster oven. This toaster oven was not used again. Neither the circuit breaker nor the ground fault interrupter tripped. The fire department was not called and neither was their insurance company.

The consumer took the toaster oven back to the service center for the company. The company then offered an identical replacement model, which was accepted. The consumer said that she has had no problems with the new toaster oven. She said that there was one small difference between the new and the old toaster oven. She said the new oven's toast lever moves up and down much more easily than the lever on the old oven. She said that the toast lever on the old toaster oven seemed to "stick" slightly when it was moved up and down.

For purpose of this investigation, both the retailer and the service center, where the toaster oven was taken back, were visited. The service center manager said that he no longer had this toaster oven. He said that the usual procedure, for items that are involved with food, is to destroy the item. He said that this item would have been destroyed unless he was directed otherwise. During this inspection, the manager called his headquarters office and could not get authorization to allow his files to be examined. Consequently, the manager refused to check his files for the disposition of this particular toaster oven and he refused to allow to have his complaint/return file examined. Consequently, FOER was telephoned. The FOER supervisor and an attorney for the company returned the call to this service center. It was stated that the General Counsel, for the company, could not be reached, to authorize the examination of the files. Consequently, the company refused to allow the examination of the files. The service manager said that this particular toaster oven had not been under recall and he had not received any safety alert bulletins, from his headquarters office, concerning problems with this toaster oven.

POST ACCIDENT (continued)

Upon arrival at DCA there was a message that the Black & Decker General Counsel had telephoned. He was called back and it was stated that he would determine the disposition of the returned toaster oven and also give information in regards to other complaints on the toaster oven. Via telephone, the General Counsel was recontacted. He stated that he determined that this particular toaster oven had been scrapped by the service center. There was no examination or analysis of the unit. He stated that this local office had no other complaints or returns on this model of toaster oven (see faxed Black & Decker documents, Exhibits 1-4).

As stated above, the retailer, where the unit was sold, was also visited. Records concerning returns and complaints are kept in their Brentwood, Tennessee headquarter's office. However, the store manager and the warehouse manager both stated that they had had no recent returns on this item. They had had no complaints on the item. They had not received any information concerning recalls or safety alerts on the item.

PRODUCT IDENTIFICATION/INFORMATION

| | |
|---------------------------|--|
| Date & Place of Purchase: | 12/92 Service Merchandise 5562 Silver Hill Rd. Forestville, Maryland 20747 |
| Model: | TRO400 |
| Manufacturer: | Black & Decker 6 Armstrong Road Shelton, Conn. 06484 |
| Controls: | Up-Down lever to activate toast function. Dial for toast light and darkness setting Oven temp. setting marked "Off & Broil" |
| Dimensions: | 16" x 8" x 8" Power Cord - 16" |
| Power Plug: | No. of prongs unk. |
| Appearance: | Black, white & glass |

PRODUCT IDENTIFICATION/INFORMATION (continued)

Damages, Repairs, Modifications Prior to Accident:

None

Labeling:

Unk., other than U.L.

Household Outlet Used:

GFCI Protected

STANDARDS INFORMATION

U.L.

EXHIBIT DESCRIPTION

1. Cover letter from Black & Decker General Counsel.
- 2A-B. Two page letter from Black & Decker General Counsel.
3. Black & Decker record of item being scrapped.
4. Black & Decker Warranty Exchange Form for this item.

SAMPLES COLLECTED

None available.

D. GUBES - 02/15/94

6 P II

ACCIDENT INVESTIGATION REQUEST FORM

Document Number H3C0014A

Date of Incident 11/26/93

Category I.D. SECT04

Follow-Up Requested

Hazard Analysis

Section 15

Type Follow-Up Requested

Telephone Call

and
or

On-Site

Headquarters Contact Renee Rauchschnalbe

Assignment Message By phone, verify accident scenario w/consumer. Follow-up in person at Service Merchandise. If possible, obtain the consumer's returned sample and any other returned samples. Obtain retailer's record of returns including reasons for return for this product.

Person(s) to Contact

① Thomas Burt

Camp Springs MD 301-899-6890

② Service Merchandise

5562 Silver Hill Rd
Forestville, Md

Guideline

Requested By

RR

Task Number

940202CCC/233

Assigned to

N/C

Date

940202

CONSUMER PRODUCT INCIDENT REPORT

FOR OFFICIAL USE ONLY

DEC - 9 1993 W-74

1. NAME OF RESPONDENT
Thomas Burt

2. PHONE NO. (HOME) (WORK)
301-899-6890 none

3. STREET ADDRESS
5312 Tolson Road

4. CITY STATE ZIP CODE
Camp Springs MD 20748

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Consumer placed two English muffins in toaster oven. 3 minutes later, smoke and 1-1/2" high flames came from oven's lever. Consumer unplugged oven, flames self-extinguished and lever was scorched.

11/30/93 Consumer returned oven to manufacturer's local service center, (name unknown) 40153 Bladensburg Road, Colemar Manner, MD 20722, where he
-cont-

6. DATE OF INCIDENTS
11/26/93

7. IF INJURY OR NEAR MISS OBTAIN AGE/SEX AND DESCRIBE INJURY:
0 Y/N none

8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME none
RELATIONSHIP none

9. DESCRIPTION OF PRODUCT
electric toaster oven

10. BRAND NAME
Black and Decker

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE
Black and Decker
6 Armstrong Road
Shelton, CT 06484
1-800-231-9786
unknown

12. MODEL, SERIAL NUMBERS
TRO400

13. DEALER'S NAME, ADDRESS & PHONE
Service Merchandise
5562 Silver Hill Road
Forestville, MD 20747
unknown

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES x NO IF YES, BEFORE OR AFTER THE INCIDENT? after DESCRIBE: damaged: see narrative

15. PRODUCT PURCHASED NEW x USED
DATE PURCHASED 12/92 AGE 11 mos.

16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: "Do not immerse cord or plug in water."

17. HAVE YOU CONTACTED THE MANUFACTURER? YES x NO
IF NOT, DO YOU PLAN TO CONTACT THEM? YES NO OTHER?

18. IS THE PRODUCT STILL AVAILABLE? YES NO x
IF NOT, ITS DISPOSITION
at manufacturer's service center

19. MAY WE USE YOUR NAME WITH THIS REPORT?
YES x NO

FOR ADMINISTRATION USE

20. DATE RECEIVED
12/01/93

21. RECEIVED BY (NAME & OFFICE)
ctw/HL

22. DOCUMENT NO.
H93C0014A

23. FOLLOW-UP ACTION

940202CCC/233

24. PRODUCT CODE(S)

25. DISTRIBUTION

26. ENDORSER'S NAME & TITLE
[Signature]

CONSUMER PRODUCT INCIDENT REPORT

H93C0014A

Narrative Continued

explained incident and was offered a new identical replacement oven.
Consumer accepted offer.

Toaster oven is UL listed.

CPSC Source: phonebook

1300 I Street, N.W.
Suite 500 East
Washington, D.C. 20005
Telephone: (202) 962-8700
Fax: (202) 962-8799

FAX COVER SHEET

DATE: March 10, 1994

TO: PERSON: Mr. Dave Gudes
FIRM: U.S. Consumer Product Safety Commission

FAX: 301-413-7147
TELEPHONE: 301-413-7140

CLIENT NO.:

FROM: Clement D. Erhardt, III

MESSAGE:

NUMBER OF PAGES INCLUDING COVER SHEET: * 3 *

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. postal service.

If you do not receive all the pages,
please call Hang Trinh
at 202-962-8753 A.S.A.P.

POPHAM HAIK

SCHNOBRICH & KAUFMAN, LTD.

2400 ONE TABOR CENTER
1200 SEVENTEENTH STREET
DENVER, COLORADO 80202
TELEPHONE 303-893-1200
TELECOPIER 303-893-2184

WASHINGTON, D.C.

3300 PIPER JAFFRAY TOWER
222 SOUTH NINTH STREET
MINNEAPOLIS, MINNESOTA 55402
TELEPHONE 612-333-4800
TELECOPIER 612-334-2713

4100 CENTRUST FINANCIAL CENTER
100 S.E. SECOND STREET
MIAMI, FLORIDA 33131
TELEPHONE 305-530-0050
TELECOPIER 305-530-0055

1300 I STREET, N.W.
SUITE 500 EAST
WASHINGTON, D.C. 20005
TELEPHONE 202-992-8700
TELECOPIER 202-992-8799

CLEMENT D. ERHARDT, III
DIRECT DIAL (202) 962-2719

March 10, 1994

VIA FACSIMILE/301-413-7147

Mr. Dave Gudes
U.S. Consumer Product Safety Commission
Engineering Sciences Laboratories
10901 Darnestown Road
Gaithersburg, MD 20878-2611

Re: 940202CCC1233
Black & Decker (U.S.), Inc. TRO 400

Dear Dave:

I enclose herewith two documents responsive to your inspection of the Black & Decker Service Center located at 4153 Bladensburg Road, Colmar Manor, Maryland 20722. The first document is a copy of the In Center Warranty Exchange form for the toaster oven of Mary Burt. That form indicates that the Black & Decker Service Center gave Mrs. Burt a new toaster oven to replace the product she returned to the Service Center. The second document goes to your request as to the whereabouts of the Burt's toaster oven. This document notes that the product in question was scrapped.

This is the extent of documents related to the subject toaster oven at the Service Center in Colmar Manor. Please give me a call if you have any further questions.

2477012620 3/10/94

ALL INFORMATION

EXHIBIT 7A

Mr. Dave Gudes
March 10, 1994
Page 2

Black & Decker requests that an exemption from disclosure under the provisions of the Freedom of Information Act, 5 U.S.C. § 552 (b)(4) and the Consumer Product Safety Act 15 U.S.C. § 2055 (a)(2) be granted with respect to this letter and its enclosures. Black & Decker claims an exemption from disclosure pursuant to 15 U.S.C. § 2055 (b)(5) for any and all information and documents provided to you. The information provided to you has been obtained from Black & Decker's records for the sole purpose of making this submission to the CPSC and has not been released to any person who is not an employee of, or in a confidential relationship with Black & Decker. This information is neither available within the industry nor can such information be readily ascertained or obtained by persons outside Black & Decker and the release of the information could result in substantial harm to Black & Decker's competitive position in the industry. The undersigned is authorized to make claims of confidentiality on behalf of Black & Decker.

Very truly yours,

Clement D. Erhardt, III

Enclosures

PRODUCT SERVICE DIVISION

00012150

1-REVENUE TRANSFER

2-REVENUE TRANSFER

| | | | |
|--------|-------------|----------|---------|
| CHARGE | Scrap. Acc. | 0.087196 | 07.0200 |
| CREDIT | Unsalable | 0.007154 | 04.7800 |

CHARGE ACC 0001194-100000

CREDIT ACC 0001194-100000

| | | | |
|---------------------|------|----|--|
| T235 | 0338 | 1 | |
| F493 | 0343 | 1 | |
| F414 NIS | 0101 | 11 | |
| F414 NIS | 0368 | 11 | |
| | 9778 | 1 | |
| | 9049 | 1 | |
| ELIADOLIN | | 1 | |
| DEM 1804WN | 0272 | 1 | |
| TR0400 | 0387 | 1 | |
| | 9056 | 1 | |
| PEX2080 | 0387 | 1 | |
| Black Head | 0387 | 1 | |

| TRAIL | QTY | SEC |
|-------|-----|-----|
| 0238 | 1 | 041 |
| 0042 | 1 | 042 |
| 0101 | 2 | 043 |
| 0368 | 2 | 044 |
| 9778 | 1 | 045 |
| 9049 | 1 | 046 |
| 0272 | 1 | 047 |
| 0387 | 1 | 048 |
| 9056 | 2 | 049 |
| 0387 | 1 | 050 |

REVENUE TRANSFER DIVISION

REVENUE TRANSFER DIVISION

00012150

00012150

00012150

00012150

---END---

94020200.1222

FVHIT 2



BLACK & DECKER®

| | |
|---|------------------------|
| Mary Burt 5312 Tulson RD Camp Spring MD 20746 <i>Mary E. Burt</i> | DATE RECEIVED BY |
| | 1184 |
| | DATE PRODUCT RECEIVED |
| | 11/24/73 |
| | CUSTOMER TELEPHONE NO. |
| | (301) 833-8850 |

ATTENTION BLACK & DECKER CUSTOMER!

THIS IS YOUR RECEIPT FROM OUR WARRANTY EXCHANGE SERVICE THAT LISTS THE PRODUCT(S) THAT WE HAVE RECEIVED FROM YOU. ALSO SHOWN ARE THE PRODUCT(S) THAT WERE GIVEN/SHIPPED TO YOU AS REPLACEMENTS FROM THE CENTER SHOWN AT RIGHT. WE ARE SORRY FOR ANY INCONVENIENCE THIS MAY HAVE CAUSED YOU.

| RECEIVED FROM CUSTOMER | |
|---------------------------------|---------------|
| 1 | 724400 (0252) |
| | |
| | |
| | |
| WARRANTY CENTER | |
| <input type="checkbox"/> U.S.A. | |

| REPLACED FROM SERVICE CENTER | |
|------------------------------|---------------|
| 1 | 724400 (0252) |
| | |
| | |
| | |

NOT A MONEY RECEIPT NOR AN INVOICE

WARRANTY CENTER (12/73)

PAGE 003

TO 410902313

FROM B AND D HEADQUARTERS

SERVICE CENTER (POST BINDER) FILE COPY

12:19 154 28 JUN

**IN CENTER
WARRANTY EXCHANGE - TYPE 1**

| | |
|-----------------|----------------|
| 18 | 8 1742 0420401 |
| DOCUMENT NUMBER | |

1 EXCHANGE
SERV/BLACK PRODUCT
 EXT 1 .00 .00
 DIRT 1 .00 .00
 PAY THIS AMOUNT .00

BLACK AND DECKER U.S. INC 8040
 4558 BLACKSTONE ROAD
 COLUMBIA MARY. MD. 21722
 801-779-8808

WARRANTY CENTER RECEIPT
 11/30/73 11:42

11/30/73

11/30/73